

REMARKS/ARGUMENTS

Claims 1 and 2 are directed to a device for continuously producing a package bag, the device including “a pair of thermal rolls having annular projections...a conveying device arranged to convey the film which forms the package bag in a conveying direction...wherein at least one of the annular projections has a wavelike or zig-zag shape...such that an amplitude of the wavelike or zig-zag shape is substantially in the conveying direction.”

Claims 1 and 2 were again rejected under 35 U.S.C. § 102 as being anticipated by the U.S. patent to Blatter. In the response filed on December 17, 2003 (page 6), Applicant had pointed out that Claims 1 and 2 distinguish over Blatter in a number of ways: (1) the projections 512 of Blatter extend axially and so are not “annular projections”; (2) the axial projections 512 of Blatter are separate projections which provide non-seal voids 530 to permit the passage of gas (column 6, lines 16-23), and so it is the voids -- not the projections forming the seal -- which have a zig-zag shape; (3) since the projections 512 of Blatter extend axially, they are not shaped such that the amplitude of the wavelength or zig-zag shape is substantially in the conveying direction. The Examiner, in the outstanding Office Action, responded to these arguments with the statement that the “amplitude of the wave-like/zig-zag shape of Blatter is substantially in the conveying direction.”

Applicant wishes to thank Examiner's Harmon and Kim for the courtesy of an interview of April 22, 2004, at which time the outstanding rejection was discussed. The Examiners there explained that they had based the outstanding rejection upon the fact that the overall arrangement of the projections 512 in Blatter extended annually and in a conveying direction. Applicant replied by pointing out that the claims recite “annular projections,” “at least one” of which has a wave-like or zig-zag shape whose amplitude is substantially in the conveying direction. Thus, at least one of the projections must have a wave-like or zig-zag shape whose amplitude is substantially in the conveying direction. This is distinguishable

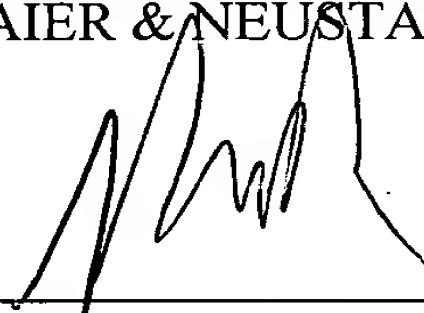
from a series of axial projections (Blatter), none of which has a wave-like or zig-zag shape whose amplitude is substantially in the conveying direction, but which form an annular series.

Based upon the above discussion, it was agreed during the interview that Blatter does not disclose "at least one" of the annular projections having a wave-like shape, but rather discloses a plurality of projections which encompass a similar shape. Applicant therefore understands that the outstanding rejection will be withdrawn.

Applicant believes that the present application is in a condition for allowance and respectfully solicits an early notice of allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Robert T. Pous
Registration No. 29,099
Attorneys of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
GJM/RTP:sjh

I:\ATTY\RTP\213740US-REQ.DOC